

## **EXHIBIT 4**

DuaneMorris\*

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August 24, 2007

VIA CERTIFIED LETTER  
RETURN RECEIPT REQUESTED

Lorraine E. Schwartz  
Lorraine E. Schwartz, Inc.  
580 Fifth Avenue  
Suite 1200  
New York, NY 10036

Re: Demand to stop unauthorized use of CAVIAR® trademark  
Our Ref: D4794-00031

Dear Ms. Schwartz:

This firm handles certain intellectual property matters for Lagos, Inc. ("Lagos"), a company created by jewelry designer Steven Lagos, that has been designing and selling the highest quality, luxury jewelry since at least as early as 1977 ([www.lagos.com](http://www.lagos.com)). Lagos has been offering a jewelry collection under the CAVIAR trademark since at least as early as 1989, and owns U.S. Trademark Registration No. 1,703,128 for CAVIAR for "jewelry, namely, rings, pins, bracelets, earrings, necklaces and watches." As a result of substantially exclusive and continuous use of the mark, the registration has achieved incontestable status. A printout from the U.S. Patent and Trademark Office database is enclosed.

It has recently come to our client's attention that Lorraine E. Schwartz, Inc. ("LES") is using the CAVIAR trademark, without Lagos' permission, as a trademark for jewelry. The Fall 2007 issue of Town & Country Magazine displays photographs of supermodel Heidi Klum with the following text: "Lorraine Schwartz 18k-white-gold, black-diamond and pearl ring and diamond Caviar ear-rings" on page 187 and "Lorraine Schwartz 18k-white-gold and diamond Caviar bangles" on page 189. Copies of pages 187 and 189 are enclosed.

Therefore, LES uses the CAVIAR mark, which is identical to Lagos' CAVIAR registered trademark, in the same category of jewelry products that are competing or can compete with those of Lagos. Consequently, LES' unauthorized use of the CAVIAR trademark, alone or together with other terms (e.g., "Lorraine Schwartz"), as a trademark for jewelry, is likely to cause confusion, mistake and deception in the marketplace. Such use constitutes infringement under the Lanham Act, false designation of origin and unfair competition, all actionable both

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under the Lanham Act and state laws of trademarks and unfair competition. Furthermore, LES' use of the CAVIAR trademark also dilutes the distinctive qualities of Lagos' famous CAVIAR mark. Therefore, on behalf of Lagos, demand is made that LES immediately discontinue use of the CAVIAR designation, either alone or with other words, to promote or sell its jewelry.

Please contact me or my colleague, Max Voltchenko (215-979-1823), upon receipt of this correspondence, whether directly or through counsel. I request response to this letter within one week of the mail date of this letter. In the absence of response, our client will seek an accounting for the amount of profits LES made as the result of intentional infringement of our client's famous CAVIAR mark and consider additional, appropriate action, such as legal action for an injunction and award of damages and attorneys' fees.

Very truly yours,

  
Lewis F. Gould, Jr.

LFG/MAV:amo  
Enclosures

Int. Cl.: 14

Prior U.S. Cls.: 27 and 28

**United States Patent and Trademark Office**

**Reg. No. 1,703,128**

**Registered July 28, 1992**

**TRADEMARK  
PRINCIPAL REGISTER**

**CAVIAR**

LAGOS, INC. (PENNSYLVANIA CORPORATION)  
116 SOUTH SEVENTH STREET  
PHILADELPHIA, PA 19106

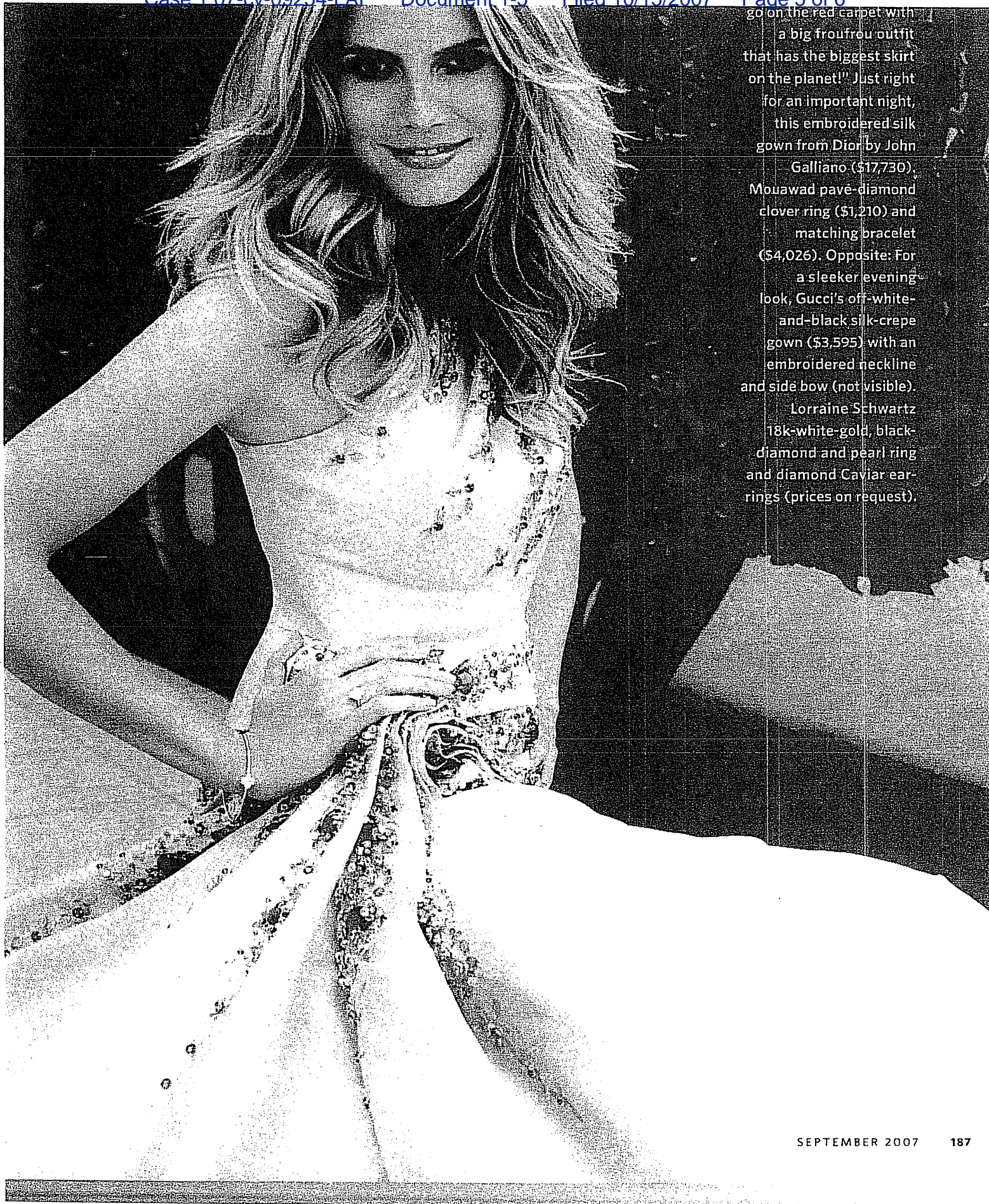
FIRST USE 1-10-1989; IN COMMERCE  
1-10-1989.

SER. NO. 73-799,183, FILED 5-11-1989.

FOR: JEWELRY; NAMELY, RINGS, PINS,  
BRACELETS, EARRINGS, NECKLACES AND  
WATCHES, IN CLASS 14 (U.S. CLS. 27 AND 28).

PAUL E. FAHRENKOPF, EXAMINING ATTOR-  
NEY





go on the red carpet with a big froufrou outfit that has the biggest skirt on the planet!" Just right for an important night, this embroidered silk gown from Dior by John Galliano (\$17,730). Mouawad pave-diamond clover ring (\$1,210) and matching bracelet (\$4,026). Opposite: For a sleeker evening look, Gucci's off-white-and-black silk-crepe gown (\$3,595) with an embroidered neckline and side bow (not visible). Lorraine Schwartz 18k-white-gold, black-diamond and pearl ring and diamond Caviar earrings (prices on request).



"At the end of the day, a woman has to feel good in her clothes," says Klum.

"Then the outfit is not wearing you, but you're wearing it—and it's about you." Versace silk-chiffon gown (price on request); Bottega Veneta 18k-gold and pavé-diamond Cuscino ring (\$24,800); Lorraine Schwartz 18k-white-gold and diamond Caviar bangles (\$28,000 each).

Opposite: Bottega Veneta silk dress (\$4,900); Lorraine Schwartz 18k-gold, emerald and yellow-diamond ring (on right hand; price on request); Martin Katz diamond line bracelets (\$4,500–\$8,500). For shopping information, see page 241.

Hair by Helena Faccenda at [arthousemanagement.com](http://arthousemanagement.com). Makeup by Linda Hay at the Wall Group. Manicure by Beth Fricke, using OPI products.

